

PATENT

Attorney Docket N^o: 5809.263-US-01 (PTG 02-502-1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of : Tom Mooty, et al.
Serial N^o : 09/577,653
Filed : May 24, 2000
Examiner : John S. Maples
Group Art Unit : 1745
For : CORDLESS POWER TOOL BATTERY RELEASE MECHANISM

Box: Patent Address Change
Assistant Commissioner for Patents
Washington, DC 20231

TRANSMITTAL OF CHANGE OF POWER OF ATTORNEY

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8)


I hereby certify that, on the date shown below, this correspondence is being:

MAILING

FACSIMILE

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☐ transmitted by facsimile to the Patent and Trademark Office.


Penny L. Flint

DATED: October 10, 2002

Attached please find the following documents for the application referenced above:

1. *Power of Attorney by Assignee (Revocation of Prior Powers)*
2. *Statement Establishing Right of Assignee to Take Action*
3. *A copy of the Notice of Recordation*
4. *A Change of Correspondence Address in a Patent Application*

While it is believed that no fees are necessary, the Commissioner is hereby authorized to charge any fees which may be required for this Response, or credit any overpayment to Deposit Account No. 19-4882.

Please address all correspondence to: SEAN PATRICK SUITER
SUITER & ASSOCIATES PC
14301 FNB Parkway, Suite 220
Omaha, NE 68154-5299
(402) 496-0300 (Telephone)
(402) 496-0333 (Telecopier)



23531

PATENT TRADEMARK OFFICE

DATED: October 10, 2002.

Respectfully Submitted,

Porter-Cable Corporation,

By Sean Suiter
Sean Patrick Suiter
Reg. N° 34,260

PATENT

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Penny L. Flint

Date: October 10, 2002

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
(REVOCATION OF PRIOR POWERS)**

The assignee of record of the entire interest of the above identified application as recorded with the United States Patent and Trademark Office on July 31, 2000, being Reel/Frame 011021/0128, is Porter-Cable Corporation, P.O. Box 2468, 4825 Highway 45 North, Jackson, TN 38302,

REVOCATION OF PRIOR POWERS OF ATTORNEY

all powers of attorney previously given are hereby revoked and

NEW POWER OF ATTORNEY

the following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

Sean Patrick Suiter	Reg. N ^o 34,260	Chad W. Swantz	Reg. N ^o 46,329
Kevin E. West	Reg. N ^o 43,983	Walter J. Malinowski	Reg. N ^o 43,423
William J. Breen, III	Reg. N ^o 45,313	Nathan T. Grebasch	Reg. N ^o 48,600

Please address all correspondence to:



23531


PATENT TRADEMARK OFFICE

SUITER & ASSOCIATES PC
14301 FNB Parkway, Suite 220
Omaha, NE 68154-5299
(402) 496-0300 (Telephone)
(402) 496-0333 (Telecopier)

ASSIGNEE STATEMENT

Attached to this power is a "STATEMENT UNDER 37 C.F.R. § 3.73(B)."

7 Oct 2002
Date


Robert F. Burkholder
Senior Vice President of Technology

PATENT

Attorney Docket N^o: 5809.263-US-01 (PTG 02-502-1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Washington, D.C. 20231

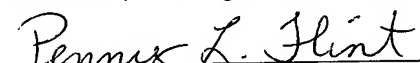
**STATEMENT UNDER 37 C.F.R. § 3.73(B) - ESTABLISHING
RIGHT OF ASSIGNEE TO TAKE ACTION**

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8)

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Penny L. Flint

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Trademark Office.

Date: October 10, 2002

The assignee of the entire right, title and interest hereby seeks to take action in the PTO in this matter.

IDENTIFICATION OF ASSIGNEE

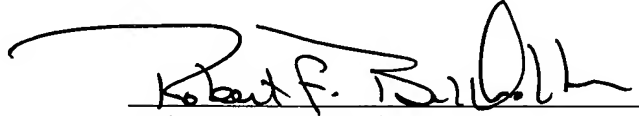
Porter-Cable Corporation is a corporation as recorded with the United States Patent and Trademark Office on July 31, 2000, being Reel/Frame 011021/0128.

PERSON AUTHORIZED TO SIGN

I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

BASIS OF ASSIGNEE'S INTEREST

Ownership by the assignee is established as follows: an assignment from the inventor(s) of the matter identified above, which was recorded in the Patent and Trademark Office at Reel 011021, Frame 0128, of which a copy is attached.




Robert F. Burkholder
Senior Vice President of Technology

Respectfully Submitted,

Porter-Cable Corporation,

By



Sean Patrick Suiter
Reg. N° 34,260

Suiter & Associates PC
14301 FNB Parkway
Suite 220
Omaha, NE 68154-5299
(402) 496-0300 Telephone
(402) 496-0333 Facsimile



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PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of : Tom Mooty, et al.
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Group Art Unit : 1745
For : CORDLESS POWER TOOL BATTERY RELEASE MECHANISM

Box: Patent Address Change
Assistant Commissioner for Patents
Washington, DC 20231


CHANGE OF CORRESPONDENCE ADDRESS IN PATENT APPLICATION

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Penny L. Flint

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

DATED: October 10, 2002

Please change the address of the attorney of record to: SUITER & ASSOCIATES PC
14301 FNB Parkway, Suite 220
Omaha, NE 68154-5299
(402) 496-0300 (Telephone)
(402) 496-0333 (Telecopier)




23531

PATENT TRADEMARK OFFICE

It is certified that the person whose signature appears below has the authority to change the correspondence address for the patent.

DATED: October 10, 2002.

By 
Sean Patrick Suiter
Reg. N^o 34,260



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

OCTOBER 13, 2000

PTAS

MERCHANT & GOULD P.C.
BRYAN K. PHILLIPS
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903



101443389A

**UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/31/2000

REEL/FRAME: 011021/0128
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
MOOTY, TOM

DOC DATE: 06/07/2000

ASSIGNOR:
CLOWERS, EARL

DOC DATE: 06/07/2000

ASSIGNOR:
ETTER, MARK

DOC DATE: 06/07/2000

ASSIGNOR:
GIST, DAILY

DOC DATE: 06/07/2000

ASSIGNOR:
LAGALY, MICHAEL

DOC DATE: 06/07/2000

ASSIGNEE:
PORTER-CABLE CORPORATION
4825 HIGHWAY 45 NORTH
P.O. BOX 2468
JACKSON, TENNESSEE 38302-2468

011021/0128 PAGE 2

SERIAL NUMBER: 09577653
PATENT NUMBER:

FILING DATE: 05/24/2000
ISSUE DATE:

TARA WASHINGTON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

08-28-2000



EET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

101443389

FORM PTO-1595

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

M&G- 5809.263US01

7.31.00

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Tom Mooty
Earl Clowers
Mark Etter
Daily Gist
Michael Lagaly

2. Name and address of receiving party(ies):

Porter-Cable Corporation
P.O. Box 2468
4825 Highway 45 North
Jackson, Tennessee 38302-2468

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other:

Execution Date: June 7, 2000

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

09/577,653

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Bryan K. Phillips
Address: Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903



6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$40.00 E

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. Please charge any additional fees or credit any overpayments to our Deposit account number: 13-2725

DO NOT USE THIS SPACE

9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Bryan K. Phillips

Name of Person Signing

Signature

July 25, 2000

Date

Total number of pages including cover sheet, attachments, and document: 5

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

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Box Assignments
Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of information systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

08/28/2000 MTHA11 00000230 09577653

01 FC:581

40.00 0P

ASSIGNMENT

WHEREAS, we, Tom Mooty, residing at 97 Blake Street, Jackson, Tennessee 38305-2621/USA; Earl Clowers, residing at 111 Brewton Court, Anderson, South Carolina 29621/USA; Mark Etter, residing at 15 Barrington Cove, Jackson, Tennessee 38305-6644/USA; Daily Gist, residing at 8 Stonehaven Woods, Jackson, Tennessee 38305-1917/USA; and Michael Lagaly, residing at 173 Reynolds Drive, Jackson, Tennessee 38305-1561/USA; made certain new and useful inventions and improvements for which we filed an application for Letters Patent of the United States on May 24, 2000, application Serial No. 09/577,653 which is entitled "CORDLESS POWER TOOL BATTERY RELEASE MECHANISM."

AND WHEREAS, Porter-Cable Corporation, a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at P.O. Box 2468, 4825 Highway 45 North, Jackson, Tennessee 38302-2468/USA (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the Assignee, its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things

which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us and that full right to convey the same as herein expressed is possessed by us.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 7 day of June, 2000.

Thomas A. Mooty
Tom Mooty

STATE OF Tennessee)
COUNTY OF Madison) ss.

On this 7th day of June, 2000, before me personally appeared Tom Mooty to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]

G. H. O'Neene
Notary Public

June
May IN TESTIMONY WHEREOF, I have hereunto set my hand this 07 day of May, 2000.

Earl Clowers
Earl Clowers

STATE OF Kennessee)
COUNTY OF Madison) ss.

On this 7th day of June, 2000, before me personally appeared Earl Clowers to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]

Nancy Greene
Notary Public

June
May IN TESTIMONY WHEREOF, I have hereunto set my hand this 7th day of May, 2000.

Mark Etter
Mark Etter

STATE OF Kennessee)
COUNTY OF Madison) ss.

On this 7th day of _____, 2000, before me personally appeared Mark Etter to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]

Nancy Greene
Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand this 7 day of June, 2000.

Daily Gist 6/7/00
Daily Gist

STATE OF Tennessee)
COUNTY OF Madison) ss.

On this 7th day of June, 2000, before me personally appeared Daily Gist to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]

Tary Drene
Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand this 7th day of June, 2000.

Michael Lagaly
Michael Lagaly

STATE OF Tennessee)
COUNTY OF Madison) ss.

On this 7th day of June, 2000, before me personally appeared Michael Lagaly to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]

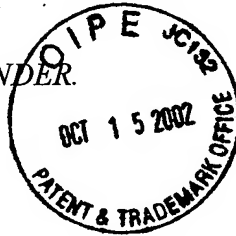
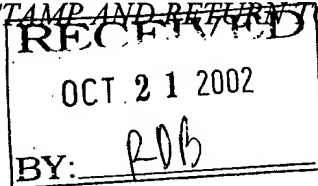
Tary Drene
Notary Public

Attorney Docket N^o: 5809.263-US-01 (PTG 02-502-1)

Serial N^o: 09/577,653

Received a POWER OF ATTORNEY BY ASSIGNEE (REVOCATION OF PRIOR POWERS), STATEMENT ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION, CHANGE OF CORRESPONDENCE ADDRESS, and a copy of the NOTICE OF RECORDATION all sent via United States Postal Service in a First Class envelope, with sufficient postage thereon, addressed to: Box Patent Address Change, Assistant Commissioner for Patents, USPTO, Washington, D.C., 20231, on October 10, 2002.

~~KINDLY DATE STAMP AND RETURN TO SENDER.~~



SUITER & ASSOCIATES PC
14301 FNB Parkway
Suite 220
Omaha, NE 68154 - 5299



MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: CORDLESS POWER TOOL BATTERY RELEASE MECHANISM

The specification of which

- a. ☒ is attached hereto
 b. ☐ was filed on as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
 b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Albrecht, John W.	Reg. No. 40,481	Lacy, Paul E.	Reg. No. 38,946
Anderson, Gregg I.	Reg. No. 28,828	Larson, James A.	Reg. No. 40,443
Batzli, Brian H.	Reg. No. 32,960	Liepa, Mara E.	Reg. No. 40,066
Beard, John L.	Reg. No. 27,612	Lindquist, Timothy A.	Reg. No. 40,701
Berns, John M.	Reg. No. 43,496	Lycke, Lawrence E.	Reg. No. 38,540
Black, Bruce E.	Reg. No. 41,622	McAuley, Steven A.	Reg. No. 46,084
Branch, John W.	Reg. No. 41,633	McDonald, Daniel W.	Reg. No. 32,044
Bremer, Dennis C.	Reg. No. 40,528	McIntyre, Jr., William F.	Reg. No. P-44,921
Bruess, Steven C.	Reg. No. 34,130	Mueller, Douglas P.	Reg. No. 30,300
Byrne, Linda M.	Reg. No. 32,404	Pauly, Daniel M.	Reg. No. 40,123
Carlson, Alan G.	Reg. No. 25,959	Phillips, John B.	Reg. No. 37,206
Caspers, Philip P.	Reg. No. 33,227	Plunkett, Theodore	Reg. No. 37,209
Chiapetta, James R.	Reg. No. 39,634	Prendergast, Paul	Reg. No. 46,068
Clifford, John A.	Reg. No. 30,247	Pytel, Melissa J.	Reg. No. 41,512
Cochran, William W.	Reg. No. 26,652	Qualey, Terry	Reg. No. 25,148
Daignault, Ronald A.	Reg. No. 25,968	Reich, John C.	Reg. No. 37,703
Daley, Dennis R.	Reg. No. 34,994	Reiland, Earl D.	Reg. No. 25,767
Dalglish, Leslie E.	Reg. No. 40,579	Schmaltz, David G.	Reg. No. 39,828
Daulton, Julie R.	Reg. No. 36,414	Schuman, Mark D.	Reg. No. 31,197
DeVries Smith, Katherine M.	Reg. No. 42,157	Schumann, Michael D.	Reg. No. 30,422
DiPietro, Mark J.	Reg. No. 28,707	Scull, Timothy B.	Reg. No. 42,137
Edell, Robert T.	Reg. No. 20,187	Sebald, Gregory A.	Reg. No. 33,280
Epp Ryan, Sandra	Reg. No. 39,667	Skoog, Mark T.	Reg. No. 40,178
Glance, Robert J.	Reg. No. 40,620	Spellman, Steven J.	Reg. No. 45,124
Gogglin, Matthew J.	Reg. No. 44,125	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Golla, Charles E.	Reg. No. 26,896	Sumner, John P.	Reg. No. 29,114
Gorman, Alan G.	Reg. No. 38,472	Swenson, Erik G.	Reg. No. 45,147
Gould, John D.	Reg. No. 18,223	Tellekson, David K.	Reg. No. 32,314
Gregson, Richard	Reg. No. 41,804	Trembath, Jon R.	Reg. No. 38,344
Gresens, John J.	Reg. No. 33,112	Underhill, Albert L.	Reg. No. 27,403
Hamre, Curtis B.	Reg. No. 29,165	Vandenburgh, J. Derek	Reg. No. 32,179
Hillson, Randall A.	Reg. No. 31,838	Wahl, John R.	Reg. No. 33,044
Holzer, Jr., Richard J.	Reg. No. 42,668	Weaver, Karrie G.	Reg. No. 43,245
Johnston, Scott W.	Reg. No. 39,721	Welter, Paul A.	Reg. No. 20,890
Kadievtch, Natalie D.	Reg. No. 34,196	Whipps, Brian	Reg. No. 43,261
Karjeker, Shaukat	Reg. No. 34,049	Wickhem, J. Scot	Reg. No. 41,376
Kastelic, Joseph M.	Reg. No. 37,160	Williams, Douglas J.	Reg. No. 27,054
Kettelberger, Denise	Reg. No. 33,924	Witt, Jonelle	Reg. No. 41,980
Keys, Jeramie J.	Reg. No. 42,724	Wu, Tong	Reg. No. 43,361
Knearl, Homer L.	Reg. No. 21,197	Xu, Min S.	Reg. No. 39,536
Kowalchyk, Alan W.	Reg. No. 31,535	Zeuli, Anthony R.	Reg. No. 45,255
Kowalchyk, Katherine M.	Reg. No. 36,848		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name MOOTY	First Given Name TOM	Second Given Name
0	Residence & Citizenship	City JACKSON	State or Foreign Country TENNESSEE	Country of Citizenship USA
1	Post Office Address	Post Office Address 97 BLAKE STREET	City JACKSON	State & Zip Code/Country TENNESSEE 38305-2621/USA
Signature of Inventor 201:			Date: 6/7/00	
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§ 1.56. Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)–(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.